IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

Bail Appl..No. 6064 of 2007(U)

CRIME NO. 683/2007 KUNDARA POLICE STATION

PETITIONERS/ACCUSED NO.1 & 2

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1. UDAYAKUMAR,S/O. ANANDAN PILLAI,
ANANDAMANDIRAM PALLIMAN VILLAGE,
NALLILA P.O., PULIYILA,KOLLAM.

2. PADMINI AMMA,W/O.ANANDAN PILLAI,
ANANDAMANDIRAM PALLIMAN VILLAGE,
NALLILA P.O., PULIYILA,KOLLAM.

BY ADV. SRI.SAJJU.S
SRI.B.BALRAJ
SRI. K.SHAJ

RESPONDENTS: COMPLAINANT

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 6064 of 2007

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Dated this the 8th day of October, 2007

O R D E R

Application for anticipatory bail. The petitioners are husband and mother-in-law of the defacto complainant. The marriage took place on 14.5.2007. No children are born in the wedlock. It is alleged that the defacto complainant was assaulted by her husband on 24.7.2007. The complaint was filed on 19.9.07. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. There is strain in the matrimony. This is prompting the defacto complainant to raise vexatious and exaggerated allegations against the petitioners. The petitioners do not deserve to suffer the undeserved trauma of arrest and incarceration in prison. Subject to any appropriate conditions, anticipatory bail may be granted to the petitioners, it is prayed.

3. The learned Prosecutor does not seriously oppose the application. Appropriate conditions may be imposed, he submits. I am satisfied that this is a fit case where directions under Section 438 Cr.P.C. can be issued in favour of the petitioners.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall surrender before the learned Magistrate on 15.10.2007 at 11 a.m. The learned Magistrate shall release the petitioners on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 16.10.07 and 17.10.2007 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 15.10.07 and the police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(d) If the petitioners were arrested prior to his surrender on 15.10.2007 as directed in clause (1) above, they shall be released on bail on

their executing bonds for Rs.25,000/- each without any surety undertaking to appear before the learned Magistrate on 15.10.2007.

(R. BASANT)
Judge

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